IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

LETTER PATENT APPEAL NO.41 OF 2006
IN
WRIT PETITION NO. 8957 OF 2005

Jijabai Suresh Giakwad ...Appellant
Vs.
State of Maharashtra & Ors. ...Respondents

Mr.Shriram S. Kulkarni for Appellant
Mr. R.M. Patne, A.G.P. for Respondents

CORAM: R.M.S.KHANDEPARKAR &
SMT.ROSHAN DALVI, JJ.
DATED: 3RD APRIL, 2006

P.C.

1. Heard.

2. The learned single Judge after considering all the materials on record has confirmed the finding arrived by the authorities that there was a clear admission on the part of the appellant that the stock of the essential commodities meant for the purposes of distribution amongst the card holders was stored at the place which is situated at a distance of about 2 to 2.1/2 Kms. from the approved place for fair-price shop and the same was done without prior permission of the concerned authorities. The essential commodities are primarily meant for distribution to the poor people and considering the same, the authorities have found that the applicant had shifted the fair-price shop to such a place which is different from the

approved place for distribution of the essential commodities to the card-holders in the locality, hence the authorities have cancelled the licence of the appellant.

3. Learned single Judge after considering all the materials on record has held that in the facts and circumstances of case the authorities have rightly cancelled the licence. The said finding is clearly borne out from the record and even assuming that the cancellation of licence on other grounds may not be sustainable, the fact remains that the cancellation can be sustained on the ground on which the learned Single Judge has considered the cancellation of licence to be proper and lawful. There is no case made out for interference in the order passed by the learned single Judge. Hence, the Appeal fails and is rejected.

(SMT. ROSHAN DALVI, J.) (R.M.S.KHANDEPARKAR,J.)